

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

THE ART INSTITUTE OF PHILADELPHIA
LLC, *et al.*,¹

Debtors.

Chapter 7

Case No. 18-11535 (LSS)

(Jointly Administered)

¹ The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): American Education Centers, Inc. (6160); Argosy Education Group, Inc. (5674); Argosy University of California LLC (1273); Brown Mackie College - Tucson, Inc. (4601); Education Finance III LLC (2533); Education Management LLC (6022); Education Management II LLC (2661); Education Management Corporation (9571); Education Management Holdings II LLC (2529); Higher Education Services II LLC (3436); Miami International University of Art & Design, Inc. (1065); South Education – Texas LLC (2573); South University of Florida, Inc. (9226); South University of Michigan, LLC (6655); South University of North Carolina LLC (9113); South University of Ohio LLC (9944); South University of Virginia, Inc. (9263); South University, LLC (7090); Stautzenberger College Education Corporation (4675); TAIC-San Diego, Inc. (1894); TAIC-San Francisco, Inc. (9487); The Art Institutes International Minnesota, Inc. (6999); The Art Institute of Atlanta, LLC (1597); The Art Institute of Austin, Inc. (3626); The Art Institute of California-Hollywood, Inc. (3289); The Art Institute of California-Inland Empire, Inc. (6775); The Art Institute of California - Los Angeles, Inc. (4215); The Art Institute of California-Orange County, Inc. (6608); The Art Institute of California-Sacramento, Inc. (6212); The Art Institute of Charleston, Inc. (6048); The Art Institute of Charlotte, LLC (4912); The Art Institute of Colorado, Inc. (3062); The Art Institute of Dallas, Inc. (9012); The Art Institute of Fort Lauderdale, Inc. (0255); The Art Institute of Houston, Inc. (9015); The Art Institute of Indianapolis, LLC (6913); The Art Institute of Las Vegas, Inc. (6362); The Art Institute of Michigan, Inc. (8614); The Art Institute of Philadelphia LLC (7396); The Art Institute of Pittsburgh LLC (7441); The Art Institute of Portland, Inc. (2215); The Art Institute of Raleigh-Durham, Inc. (8031); The Art Institute of St. Louis, Inc. (9555); The Art Institute of San Antonio, Inc. (4394); The Art Institute of Seattle, Inc. (9614); The Art Institute of Tampa, Inc. (6822); The Art Institute of Tennessee-Nashville, Inc. (5359); The Art Institute of Virginia Beach LLC (2784); The Art Institute of Washington, Inc. (7043); The Art Institutes International II LLC (9270); The Illinois Institute of Art at Schaumburg, Inc. (3502); The Illinois Institute of Art, Inc. (3500); The Institute of Post-Secondary Education, Inc. (0283); The New England Institute of Art, LLC (7798); The University of Sarasota, Inc. (5558); Western State University of Southern California (3875).

GEORGE L. MILLER, Chapter 7 Trustee,

Plaintiff,

v.

TODD S. NELSON, JOHN R. McKERNAN,
SAMUEL C. COWLEY, EDWARD WEST,
MARK A. McEACHEN, FRANK JALUFKA,
J. DEVITT KRAMER, MARK NOVAD, JOHN
DANIELSON, AND MICK BEEKHUIZEN,

Defendants.

Adv. Proc. No. 20-50627 (LSS)

Re: D.I. 1, 40-50, 54, 58 & 66-70

JOINT NOTICE OF COMPLETION OF BRIEFING

PLEASE TAKE NOTICE THAT briefing is complete on: (i) *Motion of Defendants John R. McKernan, Edward West, and Mick Beekhuizen to Dismiss Trustee's Complaint* [D.I. 48]; (ii) *Todd S. Nelson and Samuel C. Cowley's Motion to Dismiss the Complaint* [D.I. 45]; (iii) *Defendants Mark McEachen, Frank Jalufka, and John Danielson's Motion to Dismiss the Complaint* [D.I. 42]; and (iv) *Motion to Dismiss of Defendants John Devitt Kramer and Mark Novad* [D.I. 40] (collectively, the "Motions to Dismiss").

PLEASE TAKE FURTHER NOTICE THAT each of defendants Todd S. Nelson, John R. McKernan, Samuel C. Cowley, Edward West, Mark A. McEachen, Frank Jalufka, J. Devitt Kramer, Mark Novad, John Danielson, and Mick Beekhuizen, by and through their respective undersigned counsel, advise the Court that the following filings are relevant to the Motions to Dismiss and will be delivered to chambers in the Notice of Completion of Briefing Binder:

Volume 1 (Complaint, Motions to Dismiss, and Briefs)

1. Complaint [D.I. 1 – filed June 17, 2020]
2. Motions to Dismiss and Briefs in Support of Motions to Dismiss:

- A. Motion of Defendants John R. McKernan, Edward West, and Mick Beekhuizen to Dismiss Trustee's Complaint [D.I. 48 – filed September 14, 2020]
 - i. Memorandum in Support of Motion of Defendants John R. McKernan, Edward West, and Mick Beekhuizen to Dismiss the Trustee's Complaint [D.I. 49 – filed September 14, 2020]
 - ii. Reply in Support of Motion of Defendants John R. McKernan, Edward West, and Mick Beekhuizen to Dismiss the Trustee's Complaint [D.I. 68 – filed December 21, 2020]
- B. Todd S. Nelson and Samuel C. Cowley's Motion to Dismiss the Complaint [D.I. 45 – filed September 14, 2020]
 - i. Opening Brief in Support of Motion by Todd S. Nelson and Samuel C. Cowley to Dismiss the Complaint [D.I. 46 – filed September 14, 2020]
 - ii. Reply Brief in Support of Motion by Todd S. Nelson and Samuel C. Cowley to Dismiss the Complaint [D.I. 69 – filed December 21, 2020]
- C. Defendants Mark McEachen, Frank Jalufka, and John Danielson's Motion to Dismiss the Complaint [D.I. 42 – filed September 14, 2020]
 - i. Opening Brief in Support of Defendants Mark McEachen, Frank Jalufka, and John Danielson's Motion to Dismiss the Complaint [D.I. 43 – filed September 14, 2020]
 - ii. Defendants Mark McEachen, Frank Jalufka, and John Danielson's Reply in Support of Their Motion to Dismiss the Complaint [D.I. 67 – filed December 21, 2020]
- D. Motion to Dismiss of Defendants John Devitt Kramer and Mark Novad [D.I. 40 – filed September 14, 2020]
 - i. Opening Brief in Support of Motion to Dismiss of Defendants John Devitt Kramer and Mark Novad [D.I. 41 – filed September 14, 2020]
 - ii. Reply Brief in Support of Motion to Dismiss of Defendants J. Devitt Kramer and Mark Novad [D.I. 66 – filed December 21, 2020]
- 3. Plaintiff's Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss [D.I. 58 – filed November 13, 2020]

Volume 2 (Kichline Declaration (McKernan/West/Beekhuizen Motion))

- 4. Declaration in Support of Motion of Defendants John R. McKernan, Edward West, and Mick Beekhuizen to Dismiss the Trustee's Complaint [D.I. 50 – filed September 14, 2020]

- A. Notice of Filing of Exhibit 11 to Declaration in Support of Motion of Defendants John R. McKernan, Edward West, and Mick Beekhuizen to Dismiss the Trustee's Complaint [D.I. 54 – filed September 16, 2020]

Volume 3 (Ramos Declaration (Nelson/Cowley Motion), Limbrick Declaration (McEachen/Jalufka/Danielson Motion), Request for Oral Argument)

5. Declaration of Marcos Ramos in support of Todd S. Nelson's and Samuel C. Cowley's Motion to Dismiss the Complaint [D.I. 47 – filed September 14, 2020]
6. Declaration of Tiffanie N. Limbrick in Support of Defendants Mark McEachen, Frank Jalufka, and John Danielson's Motion to Dismiss the Complaint [D.I. 44 – filed September 14, 2020]
7. Request for Oral Argument on Motions to Dismiss [D.I. 70 – filed December 22, 2020]

Dated: December 29, 2020

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